

VZCZCXRO6566
OO RUEHDBU RUEHFL RUEHKW RUEHLA RUEHROV RUEHSR
DE RUEHPS #0421/01 1361701
ZNY CCCCC ZZH
O 161701Z MAY 06
FM USOFFICE PRISTINA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 6108
INFO RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUCNDT/USMISSION USUN NEW YORK 0680
RHMFISS/CDR USEUCOM VAIHINGEN GE
RUFOADA/JAC MOLESWORTH RAF MOLESWORTH UK
RHFMISS/AFSOUTH NAPLES IT
RHMFISS/CDR TF FALCON
RHEFDIA/DIA WASHDC
RUEKJCS/SECDEF WASHINGTON DC
RUEPGEA/CDR650THMIGP SHAPE BE
RHEHNSC/NSC WASHDC
RUEAWJA/DEPT OF JUSTICE WASHDC
RUFOANA/USNIC PRISTINA SR

C O N F I D E N T I A L SECTION 01 OF 04 PRISTINA 000421

SIPDIS

SIPDIS

DEPT FOR DRL, INL, EUR/SCE, AND EUR/SSA, NSC FOR BRAUN,
USUN FOR DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

E.O. 12958: DECL: 05/16/2016

TAGS: [PGOV](#) [PREL](#) [KDEM](#) [UNMIK](#) [YI](#)

SUBJECT: KOSOVO: UNMIK ISSUES GENERALLY FAVORABLE TECHNICAL
ASSESSMENT ON STANDARDS IMPLEMENTATION

REF: A. PRISTINA 302

[1](#)B. STATE 66089

Classified By: COM PHILIP S. GOLDBERG FOR REASONS 1.4 (B) AND (D).

[1](#)1. (C) SUMMARY: UNMIK's latest formal assessment of Kosovo Government efforts to implement the Standards for Kosovo program, covering the period ending April 30, is generally favorable. The report lauds the quick initial engagement of Kosovo's new government on Standards which will provide a basis for SRSG Soren Jessen-Petersen to give a good report when he addresses the UN Security Council in June. While noting progress, there is general consensus that much more can be done. There are a number of proposals circulating in Pristina for follow-up on the assessment; but any additional short or medium-term deliverables should consist only of those items within the complete purview of the Kosovo Government. END SUMMARY.

[1](#)2. (SBU) On May 4 UNMIK completed its latest technical assessment (a draft of which was faxed to EUR/SCE). Titled the "Technical Assessment of Progress in Implementation of the Standards for Kosovo to 30 April 2006," these reports are issued roughly every quarter. The report notes substantial progress since the last assessment (on December 20, 2005), particularly by the new government that took office in the aftermath of the January 21 death of President Ibrahim Rugova. Singled out for praise is the intensified effort by Prime Minister Agim Ceku to hold regular meetings of the Standards Steering Group comprised of all ministers with responsibilities for Standards implementation. Under Ceku's predecessor, former Prime Minister Bajram Kosumi, this body had only met infrequently. In reaction to Ceku's promise to review periodically the performance of all government ministers, participation by some of the previously less than enthusiastic ministers (most notably Minister of Culture, Youth and Sports Astrit Haracia) increased dramatically. (NOTE: Haracia, who had not attended a session of the working group on cultural heritage for at least eight months, chaired meetings held in March and April after rumors circulated that he would be one of the first ministers Ceku would fire. END NOTE.).

13. (C) Ceku's advisor on Standards Avni Arifi, told poloff May 8 that although he tried to keep the document close-hold, he suspects someone in the Prime Minister's office leaked it to the local media. Arifi was sheepishly unrepentant that it leaked from his office. He told poloff that the government needs such good news stories to shore up public support for its negotiating positions during this important period of status talks in Vienna.

UNMIK Accentuates the Positive

14. (SBU) The UNMIK assessment, the first drafted under new Strategy Coordinator Bryan Hopkinson, is positive although the government accomplished few of either the 91 items the Office of the Prime Minister set out for itself March 17 or the shorter, complementary list of 25 standards-related action items tasked by UNMIK to Kosovo's Provisional Institutions of Self Government (PISG) ten days later (ref. A). Despite this shortfall, the report states that as a result of the government's intensified efforts, it is now possible "to discern progress across a broad front on Standards implementation" and that if it maintains its present level of commitment "we should witness substantial further achievement in the coming months."

15. (C) The report is broken up into major sections on the eight mega-standards: Functioning Democratic Institutions; Rule of Law; Freedom of Movement; Sustainable Returns and the Rights of Communities; Economy; Property Rights; Cultural Heritage; Dialogue; and the Kosovo Protection Corps. Each section contains not only a review of progress in the specified area, but also a section on "challenges ahead."

PRISTINA 00000421 002 OF 004

The report paints as favorable a picture as possible on the ground, and while it does tend to gloss over some of the existing negatives in each of the sections, its conclusions are defensible.

Focus on the New Team

16. (SBU) In its review of Functioning Democratic Institutions, the report focuses on changes in the government since President Rugova's death, most notably the election of Fatmir Sejdiu as President of Kosovo on February 10 and the selection one month later of Agim Ceku as prime minister and Kole Berisha as Kosovo Assembly president. The review correctly states that since Berisha was elected as its head, the Assembly has been following its rules of procedure better. It also highlights the results of the audits of the first 17 municipalities (conducted by the international-led Office of the Auditor General), which note widespread non-compliance with laws and regulations concerning municipal procurement. (NOTE: While the results of the audits are bad, the fact that they were carried out and publicized is noteworthy and we will see what kind of plan the government devises for follow-on action to correct the deficiencies. END NOTE).

17. (C) The section of the report on the Rule of Law focuses on the creation and transfer of competencies to the new ministry of internal affairs and ministry of justice. The SRSG created these ministries on December 20, 2005 (the date of the last technical assessment), but the Kosovo Assembly did not confirm the appointment of the ministers until March 10, 2006. Pursuant to UNMIK Regulation 2006/26 dated April 27, 2006, the SRSG transferred a second group of competencies (including limited oversight over the Kosovo Police Service and the Kosovo Correctional Service to the new ministries). The SRSG retains ultimate authority over the police force through the Police Commissioner and UNMIK retains authority to command and control all operations in emergency situations

at the Dubrava maximum security prison. (COMMENT: Both of the new ministries are struggling to cope with the existing responsibilities already given to them by UNMIK, and the eleventh hour transfer of additional competencies seems driven only by UNMIK's desire for a positive review rather than based on any positive assessment of their functioning to date. All involved internationals and Kosovars agree that the new ministry of justice is not ready to take on responsibility for the high security section at the prison in Dubrava, forensics and missing persons or war crimes operations any time soon, and UNMIK or any successor EU organization will need to oversee or administer such operations for some time to come. END COMMENT).

¶8. (SBU) The report notes that local crime prevention councils, operational in 28 municipalities, are being transitioned to municipal community safety councils. PM Ceku has announced publicly a "zero tolerance" policy on inter-ethnic crime, but the government will need to investigate fully several incidents, since the technical assessment, of stones being thrown at buses carrying Serbs, shots fired at a Serbian Orthodox priest and his family and the theft of tractors and livestock from Serb farmers in western Kosovo.

Report Does Not Dwell on the Negatives

¶9. (SBU) The section of the assessment dealing with sustainable returns of internally displaced persons (IDPs) notes favorably recent outreach efforts by President Sejdiu, PM Ceku's visit to the rebuilt Serb village of Svinjare in southern Mitrovica and politician Vetton Surroi's communities' dialogue effort. In its attempt to discuss candidly the current situation on returns it gives the government too little credit. It states that according to UNHCR, the number

PRISTINA 00000421 003 OF 004

of voluntary returns (218) for December 2005 to March 2006 is low, but fails to mention that it is actually greater than the number (208) for the same period a year ago. Regarding the fate of people displaced in March 2004, the report notes that of the estimated 515 families, 154 have returned to their homes permanently, 50 houses have been sold and 216 houses remain abandoned. These abandoned homes have either been repaired or were untouched by the violence, but their owners have chosen not to return.

¶10. (SBU) Similarly, the assessment urges the PISG to complete the reconstruction of property damaged in March 2004 but fails to note that the estimated 3 percent of homes remaining to be rebuilt includes apartments and homes the PISG cannot access. (NOTE: The PISG should, however, remedy all outstanding complaints on completed reconstruction and fund the estimated 3 million euros to rebuild the historic Podkalaya district in Prizren. PM Ceku recently appointed Behxhet Brajshori to chair the Reconstruction Commission, charged with coordinating the rebuilding of residential structures damaged in the March 2004 riots, effectively removing responsibility from Minister of Culture Astrit Haracia. The Commission has overseen the reconstruction of 873 houses and ordered post-reconstruction repairs on 161 of them in response to complaints from owners about shoddy workmanship or vandalism. END NOTE).

Kosovo's Economy Ready to Move Forward

¶11. (SBU) Like most previous assessments, the report on the economic situation in Kosovo was positive. It notes progress on budget management and privatization. The report urged the PISG to show more commitment to reducing government employment rolls, a sensitive political issue given the level of unemployment here.

¶12. (SBU) On property rights, the report notes the creation on March 4 of the Kosovo Property Agency (KPA), as successor to the Housing and Property Directorate (HPD). In addition to taking over the 5,328 residences administered by the HPD (mostly homes occupied by ethnic Albanians and owned by ethnic Serbs with no rent being paid), the KPA is charged with the adjudication of rights to an estimated 11,000 agricultural and commercial properties over which the HPD did not have jurisdiction. The KPA received 217 claims during its first month of existence, over half of which are for agricultural property. It has not yet started accepting claims in Serbia proper.

Pristina Needs a Better Partner

¶13. (C) The section of the assessment on cultural heritage notes the difficulty the PISG has faced trying to move forward without a partner from the Kosovo Serb community. The PISG pulled back a draft law on cultural heritage after minority representatives requested further consultations. The Council of Europe (COE) assisted in redrafting the law, but no Serbs attended either of the drafting workshops in April 2006. (NOTE: The draft law contemplates the PISG inspecting Serbian Orthodox sites, a circumstance that may not sit well with the church. END NOTE.). In contrast, the Reconstruction Implementation Commission (RIC) responsible for consolidation and emergency work on 30 Serbian Orthodox sites damaged during the March 2004 riots, has benefited from Serbian Orthodox Church participation. The RIC has overseen the completion of the first phase of emergency work on the sites in December 2005 and met in April 2006 to begin deliberations on the second phase. According to the technical assessment, at this meeting the commission members made clear their commitment to move the reconstruction of these sites forward as quickly as possible.

¶14. (SBU) The dialogue between Pristina and Belgrade embodied

PRISTINA 00000421 004 OF 004

by separate working groups on energy, returns, transport and communication, and missing persons has continued despite being overshadowed by the start of final status talks in Vienna February 20. The working group on returns met once formally and countless times informally since the December 2005 technical assessment to finalize the proposed protocol on returns. The transport and communications working group met February 9 in Pristina to discuss Belgrade-Pristina transit lines and license plates. Although the meeting accomplished little, it was important to breathe new life into this dialogue after its last meeting in June 2005. At the fifth meeting of the working group on missing persons March 9 Pristina participants urged faster action on the return of the last known Kosovo bodies buried in mass graves in Serbia. The Serbian delegation promised to return the mortal remains by July 2006. The next meeting of the group is scheduled for May 31. The energy working group did not meet in the almost five months since the last technical assessment.

¶15. (SBU) The Kosovo Protection Corps (KPC) continued to be a bright spot in Standards implementation even after Sylejman Selimi replaced Agim Ceku as commander when the latter became Kosovo's prime minister March 10. The report noted the KPC's contributions to civil emergencies such as the flooding near the power plant in Obiliq and a landslide that blocked the main road between Pristina and Skopje. Although ethnic minority participation rose from 6.1 percent to 6.8 percent of the 3,036 active KPC contingent, the organization continues to face difficulties in attracting Kosovo Serb members.

Lots of Advice on Near Term Deliverables

¶16. (C) On May 9 Avni Arifi provided USOP with his own list of 16 items (forwarded to EUR/SCE) he thinks the Kosovo government can and should accomplish before SRSG Jessen-Petersen's report to the UNSC in June. The list includes approving the new law on official languages, supporting the work of the KPA, taking concrete steps to reduce the backlog of civil cases in the courts, issuing the first grant for minority media, providing full bi-lingual services in all municipalities and finalizing the move of minorities living at the Plementina camp near Obiliq to new homes built for them by the government. UNMIK has drafted its own list of 13 short-term priorities for Standards implementation it believes the PISG can accomplish over the next several months. Most of the items focus on minorities (such as passage of laws on languages, cultural heritage and religious freedom, grants to minority media, and completing reconstruction of or compensating owners for homes damaged in the March 2004 riots) while others relate to the fight against government corruption. Local contact group representatives will meet with Ceku to discuss once their capitals have reviewed the UNMIK list and come up with one of their own (ref. B).

¶17. (C) COMMENT: The UNMIK report correctly gives the new Kosovo government credit for moving quickly on Standards implementation after taking office just two months ago. There still remains much that the PISG, the Contact Group or and the Kosovo government can do over the next several weeks and months to move the final status process forward. Any list should only contain those items within the control of the PISG, and not any in which inaction by Kosovo Serbs, pressured by Belgrade, can interfere.

¶18. (U) U.S. Office Pristina clears this message for release in its entirety to UN Special Envoy Martti Ahtisaari.
GOLDBERG